

15750 U.S. PTO  
120503

## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No:  
D-2939CIPCONDIV2

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS**  
**MAIL STOP PATENT Application**  
**PO BOX 1450**  
**ALEXANDRIA, VA 22313-1450**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 CFR 1.53(b) is a new utility patent application for an invention entitled:

**SOLUBLE RECOMBINANT BOTULINUM TOXIN PROTEINS**

and invented by:

**WILLIAMS**

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

[ ] Continuation [X] Divisional [ ] Continuation-in-part (CIP) of prior application No.: Serial No. 10/271,012, filed October 15, 2002, which is a continuation of application Serial No. 08/704,159, filed August 28, 1996, which is a continuation-in-part of application Serial No. 08/405,496, filed March 16, 1995, now issued U.S. Patent No. 5,919,665.

**Enclosed are Application Elements:**

- [X] Filing Fee
- [X] Specification having 451 page(s) and including the following:
  - [X] Title of the Invention
  - [X] Cross References to Related Applications (*if applicable*)
  - [X] Background of the Invention
  - [X] Brief Summary of the Invention
  - [ ] Description of the Drawings
  - [X] Detailed Description
  - [X] Claim(s) as Classified Below
  - [X] Abstract of the Disclosure
- [ ]        Sheets of Drawings(s) (37 CFR 113) [ ] Formal [ ] Informal
- [X] Oath or Declaration [X] Executed [ ] Unexecuted
  - [X] Copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
- [X] Power of Attorney [X] Executed [ ] Unexecuted
  - [X] Copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
- [X] Incorporation By Reference -- The entire disclosure of the prior application from which a copy of the oath or declaration is supplied under the above entry, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [ ] Computer Program in Microfiche (*Appendix*)

**Accompanying Application Parts**

- [X] Assignment Papers (cover sheets & documents(s))
- [X] The prior application is assigned of record to
  - [X] Copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)

17497 U.S. PTO  
10/729122

120503

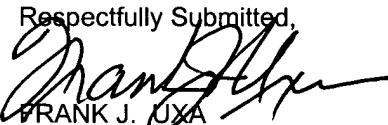
- [ ] 37 CFR 3.73(B) Statement (*when there is an assignee*)  
 English Translation Document (*if applicable*)  
 Information Disclosure Statement/PTO-1449       Copies of \_ IDS Cited Reference(s)  
 Preliminary Amendment  
 Acknowledgment postcard  
 Certificate of Mailing by Express Mail  
 Entry of Sequence Listing Documents  
 Copy of AMENDMENT, PETITION UNDER 37 CFR 1.48(B) DELETING CORRECT ORIGINALLY NAMED INVENTOR WHO IS NOT ACTUAL INVENTOR NOW BEING CLAIMED ("PETITION") in the immediately preceding continuation case. Since the above-identified application is a division of this continuation case, a copy of the PETITION in the continuation case is believed to be appropriate and adequate to have Bruce S. Thalley removed as inventor in the above-identified application.

**Fee Calculation and Transmittal**

\* *The filing fee is calculated on the basis of the claims existing in the prior application as amended by the accompanying preliminary amendment noted above.*

CLAIMS AS FILED					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	14	- 20 =		X \$18.00	\$0.00
Independent Claims	2	- 3 =		X \$86.00	\$ 0.00
Multiple Dependent Claims	(check if applicable) [ ]				\$ 0.00
				BASIC FEE	\$ 770.00
OTHER FEE (specify purpose)					\$ 0.00
(Applicant has small entity status under 37 CFR 1.9 and 1.27)				SMALL ENTITY STATUS	--
				TOTAL FILING FEE	\$770.00

- [ ] A check in the amount of \$ \_\_ to cover the filing fee and the assignment fee is enclosed.  
 The Commissioner is hereby authorized to charge and/or credit Deposit Account Number **01-0885** as described below.  
 Charge the amount of \$770.00 as filing fee.  
 Credit any overpayment.  
 Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

Respectfully Submitted,  
  
 FRANK J. OXA  
 Attorney for Applicants  
 Reg. No: 25,612

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D-2939CIPCONDIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT

In the application of: )  
WILLIAMS ) Group Art Unit: N/A  
              ) (Prior App.: 1648)  
Serial No. N/A )  
              ) Examiner: N/A  
              ) (Prior App.: Li, Bao Q.)  
Filed: Submitted herewith )  
For: SOLUBLE RECOMBINANT BOTULINUM )  
TOXIN PROTEINS )

Express Mail Mailing Label No. EL 980247610

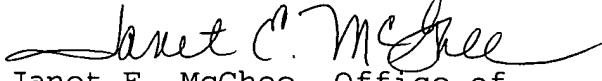
Date of Deposit: December 5, 2003

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, MS Patent Application, PO Box 1450, Alexandria, VA 22313-1450.

1. Utility Patent Application Transmittal;
2. Application Data Sheet
3. Copy of prior application and Declaration;
4. Copy of prior application Assignment Papers;
5. Preliminary Amendment;
6. Entry of Sequence Listing;
7. Copy of Amendment, Petition and Fee Under 37 CFR 1.48(b) Deleting Correct Originally Named Inventor Who is Not Actual Inventor Now Being Claimed;
8. Copies of Associate Powers of Attorney from prior application;
9. Copy of Declaration from prior application;
10. Copies of Assignments from prior application;
11. Information Disclosure Statement; and
12. PTO 1449s.

The 12 above-identified documents are enclosed herewith.

Respectfully submitted,

  
Janet E. McGhee, Office of  
Frank J. Uxa  
Attorney for Applicant  
Reg. No. 25,612  
4 Venture, Suite 300  
Irvine, CA 92618  
(949) 450-1750  
Facsimile (949) 450-1764

DOCKET NO.: D-2939CIPCONDIV2

THE ENCLOSED PATENT APPLICATION OF WILLIAMS IS BEING FILED IN ACCORDANCE WITH SECTION 37 CFR 1.10 BY EXPRESS MAIL AND SHOULD BE ACCORDED A FILING DATE OF:

December 5, 2003

SEE THE EXPRESS MAIL CERTIFICATE ATTACHED TO THE APPLICATION.

D-2939CIPCON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT

In re application of:

WILLIAMS	)	Group Art Unit:1648
	)	
Serial No. 10/271,012	)	Examiner: to be assigned
	)	
Dated: October 15, 2002	)	
	)	
For: SOLUBLE RECOMBINANT BOTULINUM	)	
TOXIN PROTEINS	)	

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on or before

Frank J. Uxa  
\_\_\_\_\_  
Title \_\_\_\_\_  
Date 1/27/03

AMENDMENT, PETITION AND FEE UNDER 37 CFR 1.48(b) DELETING  
CORRECT ORIGINALLY NAMED INVENTOR WHO IS NOT ACTUAL INVENTOR  
NOW BEING CLAIMED

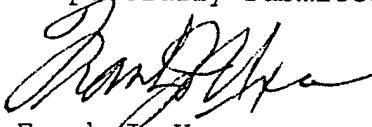
Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

This amendment and petition under 37 CFR §1.48(b) is to delete the name of Bruce S. Thalley who was originally named as inventor and whose invention is no longer being claimed in the application in view of cancellation of claims made in the Preliminary Amendment in the present case.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 01-0885.

Respectfully submitted,

  
Frank J. Uxa  
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(949) 450-1750  
(949) 450-1764 Facsimile